

### **REMARKS**

The foregoing amendments and these remarks are in response to the Office Action dated June 17, 2004. This amendment is filed with an Information Disclosure Statement and a Request for a Three Month Extension of Time and authorization to charge Deposit Account No. 50-0951 for the required fees.

At the time of the Office Action, claims 1-56 were pending. In the Office Action, claims 1-56 were rejected under 35 U.S.C. §103(a). The rejections are set out in more detail below.

#### **I. Information Disclosure Statements**

Applicant notes that an Information Disclosure Statement ("IDS") was filed on March 4, 2003 and that another IDS with fee is filed herewith. Applicant respectfully requests that the Examiner review and consider the references listed in each IDS and indicate such action was taken by signing each IDS and returning a signed copy to the undersigned counsel. Applicant believes that this application is patentable over the each reference listed in an IDS. A copy of the IDS filed on March 4, 2003 is attached as Appendix A for the Examiner's convenience.

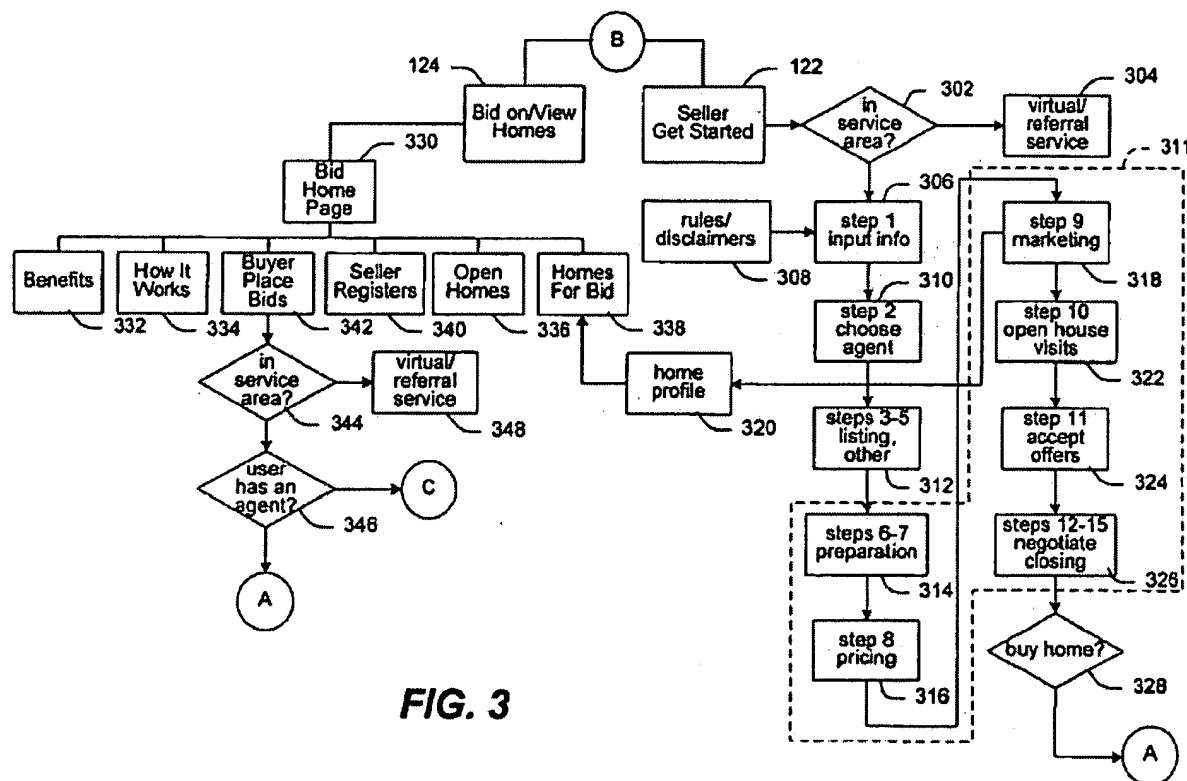
#### **II. Rejections on Art**

Turning now to the rejections on art, claims 1-56 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,684,196 to Mimi et al ("*Mimi*"). Claim 1 has been amended to clarify that the broker purchases the first property from the user; therefore, the sale of the first property from the user to the broker does not depend upon the identification of a third-party buyer as the broker is the purchaser. Independent claim 29 and dependent claims 30, 33 and 34 have also been amended.

Independent claim 1 recites a method whereby the user can sell a first property and purchase a second property by only transacting with the broker. The purchase of the first property by the broker allows the user to immediately sell the first property and purchase the second property without the need for reliance on a third-party to: (1) review the first property; (2) be reviewed by and approved by a mortgage lender; and (3) finalize the transaction.

The Office Action asserts that *Mimi* teaches a broker purchasing the first property. *See Office Action*, p. 2 ¶2 (buyer can have a broker as his agent or buyer himself can act as his own

agent, citing *Mimi*, col. 6, lines 41-58). In stark contrast to this assertion, *Mimi* is directed to a network that facilitates the negotiation between a seller and buyer, where both the seller and buyer meet and negotiate on the network with the assistance of virtual agents and virtual referrals. In fact, Figure 3, which is discussed at column 6, lines 41-58 of *Mimi* and shown below, clearly demonstrates that seller completes a variety of procedural steps, including hosting an open house, listing the house on a website and determining a price at which to offer the property.



**FIG. 3**

*Mimi* also describes the buyer as a third party to the website and further describes the buyer process in depth.

A more detailed embodiment of buyer process 120 will now be described with reference to the process flow diagram of FIGS. 10-21. Initially and as described above, a potential buyer would visit the web site, browse through the various informational pages, possibly run the buyers demo, e.g., demo 106 of FIG. 1, and select the "Get Started Now!" text in any of several pages in the web site (block 1002). In response to this selection, the buyer is presented with and fills out a registration form which includes personal data such as, for example, name, residential address, e-mail address, etc (block 1004). This information is stored

in a database associated with the site (block 1006) and, as will be described, will be available for further use in populating form associated with other stages of the real estate transaction.

The buyer may then decide to continue with the process or wait for a call from a customer service agent associated with the web site (block 1008). If the buyer elects to wait for the call, an e-mail message is sent to a customer service agent (block 1010) who then calls the buyer to answer any questions the buyer might have (block 1012). If the buyer decides to continue, she makes a deposit with, for example, a credit card, browses through the real estate professional bios, and selects a "virtual agent" (block 1014). This information is processed (block 1006), and reviewed and filtered by a customer service agent (block 1018), after which the buyer and the selected virtual agent connect by, for example, phone or an online audio or video conference (blocks 1020 and 1022) during which the buyer and the agent get to know each other and the agent describes the buying process including the next steps to be completed. *Mimi*, col. 8, lines 25-55.

As noted in *Mimi*, the buyer must undergo a variety of approval and pre-approval processes in addition to working with a virtual agent. During this time period, the seller must wait for these processes to complete. Only after these processes complete, in addition to the variety of processes the user must complete in order to sell property, the user, the buyer, and multiple virtual agents can all evaluate whether the user should sell and whether the buyer should buy. Importantly, it is entirely possible that a buyer will not come to the website, and therefore, the seller will not sell its property. Therefore, the seller is dependent upon the chance that the appropriate buyer will be present at the time the seller is attempting to sell the property.

As noted above, *Mimi* actually teaches away from the broker purchasing the property, as *Mimi* depends upon the existence of not just any third party buyer, but a third party buyer who can agree to the terms as set forth by the seller. Instead, the claims of the present application are directed to a method in which the buyer use a variety of information to determine the value of the property, and based on that valuation, offer the seller a price at which the broker will purchase the house. Such a situation guarantees the existence of buyer, allowing the seller to sell immediately to free capital for the purchase of a different property.

Applicant respectfully asserts that *Mimi* does not teach or suggest the method as recited in at least the independent claims, and actually teaches away from the recited claims.

Accordingly, the independent claims are believed to be allowable over *Mimi*. The dependent claims are believed to be allowable due to dependence on an allowable claim 1 and for further features recited therein.

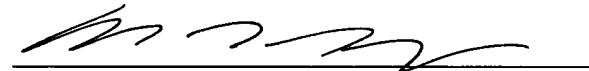
**III. Conclusion**

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

**AKERMAN SENTERFITT**

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J. Rodman Steele, Jr., Reg. No. 25,931  
Mark D. Passler, Reg. No. 40,764  
Customer No. 30448  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

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